

REMARKS

Applicants wish to thank Examiner Stoica for the attention accorded to the instant application and respectfully requests reconsideration of the application as amended. Favorable reconsideration and allowance of the Claims of the present application are respectfully requested.

Claims 25-34, 36 and 38-44 are pending and examined on the merits. Claims 36 and 38-44 have been cancelled without prejudice. Applicants reserve the right to re-file the subject matter of Claims 36 and 38-44 in a continuation application.

Figure 9-11 are objected to because of faded details. Claims 25-34 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 36 and 38-44 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 36 and 38-44 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement.

Claim 25 has been amended to include the step of measuring the autoantibody's affinity for apoFR. Support for this amendment can be found throughout the application, such as in the fourth full paragraph of page 7 and the fourth full paragraph of page 29. No new matter has been entered into the disclosure by way of this amendment.

Applicants would like to thank Examiner Stoica for speaking with Applicants' representative on December 1, 2009. During the interview, the claims filed in the RCE dated September 30, 2009 were discussed. Examiner Stoica stated that if a step of measuring affinity was added prior to the last step of Claim 25, the method claims would be allowable.

In view of the following remarks, Applicants request further examination and reconsideration of the present patent application.

Objections to the Drawings

Figures 9-11 are objected to because of faded details. A replacement set of Figures 9-11 are being provided herewith. The replacement set of Figures 9-11 can be read easily and are not faded.

Thus, the objection to figures 9-11 is overcome.

Rejections under 35 U.S.C. §112

Claims 25-34 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Official Action states that Claims 25-34 are incomplete for omitting essential steps, with such omission amounting to a gap between steps. The Official Action further states that Independent Claim 25 has omitted the step of measuring the affinity of the autoantibody for apoFR.

Claim 25 has been amended to include the step of measuring the autoantibody's affinity for apoFR. Thus, the rejection of Claims 25-34 under 35 U.S.C. §112, second paragraph, is overcome. Withdrawal of the rejection and allowance of Claims 25-34 is earnestly solicited.

Claims 36 and 38-44 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 36 and 38-44 also stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 36 and 38-44 have been cancelled without prejudice. Thus, the rejection of Claims 36 and 38-44 under 35 U.S.C. §112 is moot.

It is respectfully submitted that the foregoing amendments and remarks effectively address each of the issues underlying the Examiner's rejections. It is therefore respectfully suggested that the claims are in condition for allowance, and that allowance is respectfully requested.

Respectfully submitted,

/Peter I. Bernstein/

Peter I. Bernstein
Registration No. 43,497

Scully, Scott, Murphy & Presser, P. C.
400 Garden City Plaza-STE 300
Garden City, New York 11530
Telephone: 516-742-4343
PIB/DRB:vc